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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,011	12/11/2001	Michael Gauselmann	M-12388 US	2090
32566	7590	03/06/2008	EXAMINER	
PATENT LAW GROUP LLP 2635 NORTH FIRST STREET SUITE 223 SAN JOSE, CA 95134			TORIMERO, ADETOKUNBO OLUSEGUN	
ART UNIT	PAPER NUMBER	3714		

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/015,011	<b>Applicant(s)</b> GAUSELMANN, MICHAEL
	<b>Examiner</b> Adetokunbo O. Torimiro	<b>Art Unit</b> 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on **14 September 2007**.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) **25-30,33,35,37-39 and 41-43** is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) **25-30,33,35,37-39, and 41-43** is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. The amendment received on 09/14/2007 has been considered. It has been noted that claim 36 has been amended.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:-

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 25-27,37-39, and 41-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennet et al (WO 00/32286).

Re claim 25: Bennet et al discloses a plurality of linked gaming machines (**see page 12, lines 30-31, "Bank of consoles" and page 14 line 20 "linked gaming machines"**); a display means for displaying a game (**see page 2, lines 12-16**); a plurality of lamps of different colors (**see Figs 19 a-d, Item 151, is a "top box screen" which the examiner interprets to be a plurality of lamps capable of displaying different colors**); lamps partially surrounds display (**see Figs 19 a-d, item 151 partially surrounds gaming display item 41**); linked gaming machines signaling one another and selectively illuminating lamps in a coordinated manner to indicate they are linked (**see Figs.19a-d, Page 12,Lines 30-Page 13, Line 10**); comprising signaling the beginning of a competitive / *bonus* game (**see Page 12, Lines 9-11, Page 13 Lines 6-10**).

Re claims 26 and 27, Bennet et al. discloses activating the lamps in a manner that does not affect outcome (**see page 2 lines 39-30**) as well as different manners for winning and losing outcomes (**see page 17, lines 1-5; page 18, lines 1-3; and page 19, lines 5-8.**)

Re claims 37-39 and 41-43, Bennet et al. discloses signaling the beginning of a competitive game, jackpot game, common jackpot (**see Page 12, Lines 9-11, Page 13 Lines 6-10**); lighting in a sequential manner or a same manner (**see page 28 Line 28 through page 29 Line 2**); indicating a winning machine (**see Page 11 Line 27 and Page 17 Lines 1-5**).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennet et al (WO 00/32286) in view of Luciano, Jr. et al (US 6,541,921). The teachings of Bennet et al have been discussed above.

Re claims 29 and 30: Bennet et al. teaches manipulating light and sound in response to player wagers and paylines (**see Page 18 Line 15 and Page 21 Lines 26-28, the motion of the moving character changes in response to both.**)

However Bennet et al. does not specifically disclose manipulating brightness in response to player wager or paylines.

Luciano, Jr. et al. teach that when lamps are used in devices, the intensity can be varied for different operating modes. It is well known in the art that paylines and coins bet define the operating mode of a slot machine in order to associate the correct pay tables and lines to compare to the tables. Luciano, Jr. et al. also support using a medium intensity during normal game mode that would be different from the high intensity used in an attract mode (**see col.6, lines 15-20**). Further, channel intensity variation can be used to vary the intensity when it is desirable to emphasize particular channels such as paylines used to create a greater contrast between designated channels (**see column 6, lines 15-20**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the intensity manipulation functions taught by Luciano et al. with the linked gaming setup of Bennet et al. Bennet et al. teaches the manipulation of light in order to attract players as well as notify players of various aspects of the game. Adding brightness manipulation to Bennet et al. would further add interest to players and keep them amused and willing to play longer as taught on Page 1, Lines 7-11.

6. Claims 28,33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennet et al (WO 00/32286) in view of DeMar et al (US 6,315,660). The teachings of Bennet et al have been discussed above.

Rc claims 28,33, and 35: Bennet et al. discloses lamps along one side of a gaming display. However, Bennet et al does not teach lamps along adjacent sides or two sides.

DeMar et al. discloses lights that surround a bonus game indicating multiple portions of the display. (see fig.7; col.11, lines 24-35), **the game board can be selectively lit as desired and borders an active part of the game.**

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention expand on the bordering lights taught in Bennet et al. with the border lights taught by DeMar et al. Allowing "Mr. Cashman" from Bennet et al. to walk completely around the game machine would further attract and amuse players in order to increase their willingness to play and play longer as taught on Page 1 Lines 7-11. While the DeMar et al. teaches that the light manipulation effects the gameplay, Bennet et al. already teaches that the light manipulation can have an effect, such as giving a bonus, or have no effect at all.

***Response to Arguments***

7. The Applicants correction in regards to the specification and claim objections is accepted therefore, those objections have been withdrawn.

Regarding Applicant's assertion that the claim amendment of claim 25 recites drawing attention to the beginning of a competitive game, the Examiner points the Applicant to the referenced section of the Bennet et al as discussed above. Bennet et al teaches an embodiment wherein attention is drawn to the gaming machine at the beginning of a bonus game and or jackpot game, hereby teaching the Applicant's invention.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714